

Exhibit 7



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April 29, 2022

PRIVILEGED AND CONFIDENTIAL UNDER FRE 408
VIA ELECTRONIC MAIL


Ms. Angela Doughty
Ward and Smith, PA
1001 College Court
Post Office Box 867
New Bern, NC 28563-0867


Re: Forma AI Inc. correspondence

Dear Ms. Doughty:




My client is in receipt of your correspondence dated April 18, 2022. This firm represents Twic, Inc. and we provide this communication in response to claims that the  **forma** trademark infringes the US common law trademark rights of Forma AI Inc.

We first note that US common law rights are limited to the geographic region in which the mark's use is consistent and continuous. *Circuit City Stores, Inc. v. CarMax, Inc.*, 165 F.3d 1047, 1055 (6th Cir. 1999). We note that your client is headquartered in Toronto, Canada with over 90% of its employees located outside of the United States (<https://www.linkedin.com/company/forma-ai/>). Additionally, operation of a website does not in and of itself create enforceable US common law rights across all states as a result of same. *See* 5 J. Thomas McCarthy, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION, § 26:30.50 (4th Ed. 2000) ("because a Web site featuring a trademark can theoretically be accessed on computers from Florida to Alaska ... does not mean that the trademark is known and established in those locations.") Rather, the scope of protection for US common law trademarks is limited to the geographic area where the mark is both known and recognizable by an articulable segment of possible customers. *Hanover Star Milling Co. v. Metcalf*, 240 U.S. 403, 415-16 (1916). Aside from reference to the www.forma.ai website, we are unaware of any evidence supporting your client's claims to established US common law rights, and are further unaware of the geographic scope of any such alleged rights.

Next, while both  **forma** and FORMA.AI use the FORMA term, these uses are not identical, as asserted in your correspondence. While www.forma.ai serves as your client's website, FORMA.AI (and design), not FORMA by itself, has been adopted as your client's trademark (again noting the uncertainty of the geographic scope of the rights). That is, the .AI is not just part of your client's internet address, but is an an integral part of your client's mark. Use

of a domain extension within an entity's name is a significant distinguishing factor, as use of a domain extension can actually create trademark rights in names that would not otherwise be capable of securing trademark protection. *See Patent and Trademark Office v. Booking.com B.V.*, 591 U.S. ____ (2020). Moreover, marks must be considered in their entirety when determining whether a likelihood of consumer confusion is present. *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985). Further, "likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark." *Id.* In the matter at hand, we note clear visual, phonetic and connotative distinctions between  **forma** and FORMA.AI when compared as a whole.

Moreover, given the vast dilution and common use of the FORMA term, whatever rights your client may hold in the FORMA.AI name cannot in good faith be classified as rights in FORMA alone. A quick search of the USPTO database (Exhibit A) reveals significant dilution of the FORMA term, indicating that no one entity can claim exclusive rights same, as evidence of third-party use bears on the strength or weakness of a term. *See Juice Generation, Inc. v. GS Enterprises LLC*, 794 F.3d 1334, 1338 (Fed. Cir. 2015).

The inclusion of the AI term further distinguishes  **forma** from FORMA.AI in an connotative sense, as artificial intelligence ("AI") is an integral feature of FORMA.AI services, but is not utilized in the provision of  **forma** services. At www.forma.ai/about-us/, the FORMA.AI services are described as "[w]e're merging AI with human controls to turn sales compensation into a science. Forma.ai isn't your traditional software solution. And we're not your typical software company either." (Exhibit B). FORMA.AI's marketing and advertising touts its utilization of AI as the attribute that distinguishes its business from other, non-AI companies. This distinction bears such importance that it is included in the FORMA.AI name and mark, which also further distinguishes this mark from  **forma**.

Additionally, my client will not in the future expand its services to the services provided by your client. In this regard, my client will voluntarily amend its recitation of services in its current US trademark application 97/268,559, as well as any other future US trademark applications to specifically exclude "sales performance and compensation management" products or services. Moreover, my client takes no issue with your client's federal trademark applications to validate their US trademark rights in FORMA.AI for such services. If your client would like a formal agreement to these terms, we are happy to draft and provide same.



Very truly yours,

WILCOX IP, P.C.




Angela C. Wilcox

EXHIBIT A

TM Record	Mark/Name	Status/Status Date	Brief Goods/Services	Owner Information	Notes
US Federal Q6 uf 2	SAAS PROFORMA	Registered, March 9, 2021	Int'l Class: 42 (Int'l Class: 42) software as a service (SAAS) services featuring software for creating financial projections and managing, reporting, and scaling financial reports	Northquad, LLC, Dbas Saas Proforma (Indiana Limited Liability Company) 1950 E. Greyhound Pass, Ste 18-168, Carmel, Indiana 46033 United States of America	
US Federal Q6 uf 3	PROFORMA PROVISION (Stylized) 	Registered, May 4, 2021	Int'l Class: 42 (Int'l Class: 42) design and development of computer software for the improvement of the business operations of franchisees	Proforma, Inc. (Ohio Corporation) 8800 E. Pleasant Valley Road, Cleveland, Ohio 44131 United States of America	
US Federal Q25 uf 4	PROFORMA PROVISION	Registered, June 15, 2021	Int'l Class: 42 (Int'l Class: 42) design and development of computer software for the improvement of the business operations of franchisees	Proforma, Inc. (Ohio Corporation) 8800 E. Pleasant Valley Road, Cleveland, Ohio 44131 United States of America	
US Federal Q25 uf 5	PROFORMA PROVISION (Stylized) 	Registered, June 15, 2021	Int'l Class: 42 (Int'l Class: 42) design and development of computer software for the improvement of the business operations of franchisees	Proforma, Inc. (Ohio Corporation) 8800 E. Pleasant Valley Road, Cleveland, Ohio 44131 United States of America	
US Federal Q22 uf 7	FORMA	Pending Application, November 8, 2021 Office Status: New Application - Record Initialized Not Assigned to Examiner	Int'l Class: 38, 41 (Int'l Class: 38) Providing audio-video capture, creation, production, modification and transmission services including: compression and decompression of volumetric/holographic audio-video media content, real-time media... (Int'l Class: 41) Providing audio-video capture, creation, production, modification and transmission services including:	Onmivor, Inc. (Delaware Corporation) 118 South Mead Street, Seattle, Washington 981082436 United States of America	

TM Record	Mark/Name	Status/Status Date	Brief Goods/Services	Owner Information	Notes
			compression and decompression of volumetric/holographic audio-video media content, real-time media...		
US Federal Q6 uf 9	FORMA	Published, February 22, 2022 Office Status: Published For Opposition	Int'l Class: 35, 41 (Int'l Class: 35) Providing research and analysis services in the fields of business organization and management; providing information in the fields of business... (Int'l Class: 41) Educational services, namely, arranging and conducting workshops, presentations, conferences, webinars, seminars, retreats, and tutorials in the fields of business organization,...	Forma Leaders Inc. (Washington Corporation) 3309 NE Kingbird Street, Camas, Washington 98607 United States of America	
US Federal Q25 uf 10	PRO FORMA BRAND DNA	Pending Application, April 7, 2022 Office Status: New Application - Record Initialized Not Assigned to Examiner	Int'l Class: 35, 38, 39, 42, 43 (Int'l Class: 35) Compiling information into a computer database concerning ratings and feedback information relating to hotels, apartments, restaurants, travel destinations; public relations... (Int'l Class: 38) Providing online interactive bulletin boards for the transmission of messages among computer users in the field of hotels, apartments, restaurants... (Int'l Class: 39) Organization of travel and travel agency services, reservation of tickets and reservation services provided by a travel agency, provision of... (Int'l Class: 42) Hosting a website featuring reviews concerning hotels, apartments, restaurants and travel destinations; electronic storage of data concerning hotels, apartments, restaurants,... (Int'l Class: 43) Providing information concerning hotels, temporary housing in apartments and restaurants; hotel reservation services, holiday	Travelsify S.A. (Luxembourg Société Anonyme Sa) 63-65 Rue de Merl L-2146 Luxembourg Luxembourg	

TM Record	Mark/Name	Status/Status Date	Brief Goods/Services	Owner Information	Notes
			accommodation reservation services and temporary housing...		
US Federal Q4 uf 11	DEALFORM A	Registered, December 11, 2018	Int'l Class: 35 (Int'l Class: 35) Providing business information, namely, commercial corporate and statistical information provided on-line from a computer database or the Internet	Dealforma, LLC (California Limited Liability Company) DealForma, LLC 1900 South Norfolk Street Ste 350, San Mateo, California 94403 United States of America	
US Federal Q25 uf 12	FORMA TAX	Registered, December 2, 2019 Office Status: Section 8 & 15- Accepted and Acknowledged	Int'l Class: 35 (Int'l Class: 35) Accounting consultation; accounting for third parties; accounting services; administration, billing and reconciliation of accounts on behalf of others; administrative accounting; business assistance, advisory and consulting services in the field of filing business formation documents; business assistance, advisory services and consultancy...	Forma Tax Inc (New York Corporation) 31-05 33RD STREET, ASTORIA, NY 11106 United States of America	
US Federal Q6 uf 13	PRO FORMA	Renewed, May 14, 2012 Office Status: Registered and Renewed	Int'l Class: 16, 35 (Int'l Class: 16) Business Forms (Int'l Class: 35) Specialty Printing Services-Namely, Design and Printing of Business Forms for Others	Proforma Inc. (Ohio Corporation) 8800 E. PLEASANT VALLEY ROAD, Cleveland, Ohio 44131 United States of America	
US Federal Q25 uf 14	AUTODESK FORMA	Pending Application, April 1, 2022 Office Status: Non-Final Action - Mailed	Int'l Class: 09, 42 (Int'l Class: 09) Downloadable computer software for use in the fields of architecture, engineering, construction and operations featuring, providing and enabling integrated workflows... (Int'l Class: 42) Software as a service (SaaS) featuring cloud-based integrated workflows and workflow environments, data and technology services between computer software programs,...	Autodesk, Inc. (Delaware Corporation) 111 McInnis Parkway, San Rafael, California 94903 United States of America	


TM Record	Mark/Name	Status/Status Date	Brief Goods/Services	Owner Information	Notes
US Federal Q6 uf 15	ONEFORMA and Design 	Registered, January 11, 2022	Int'l Class: 09, 35, 42 (Int'l Class: 09) Computer programs, downloadable, for use in database management and electronic storage of data; Computer programs, recorded, for use in database... (Int'l Class: 35) Analyzing and compiling business data; Computer data entry services; Providing business information, also via internet, the cable network or other... (Int'l Class: 42) Data warehousing; Data mining; Digital compression of computer data; Design and development of electronic data security systems; Design, maintenance, development...	Pactera Technologies Na, Inc (Delaware Corporation) 14980 NE 31st Way, Suite 120, REDMOND, Washington 980525349 United States of America	
US Federal Q6 uf 16	ONEFORMA	Registered, January 11, 2022	Int'l Class: 09, 35, 42 (Int'l Class: 09) Computer programs, downloadable, for use in database management and electronic storage of data; Computer programs, recorded, for use in database... (Int'l Class: 35) Analyzing and compiling business data; Computer data entry services; Providing business information, also via internet, the cable network or other... (Int'l Class: 42) Data warehousing; Data mining; Digital compression of computer data; Design and development of electronic data security systems; Design, maintenance, development...	Pactera Technologies Na, Inc (Delaware Corporation) 14980 NE 31st Way, Suite 120, REDMOND, Washington 980525349 United States of America	
US Federal Q25 uf 17	FLOWFORMA	Registered, June 27, 2017	Int'l Class: 09, 35 (Int'l Class: 09) Business process management and workflow automation software; packaged business process management and workflow automation software; computer software for business process... (Int'l Class: 35)	Flowforma Limited (Ireland Limited Company) BLOCK E, EAST POINT BUSINESS PARK, Dublin 3 Ireland	

TM Record	Mark/Name	Status/Status Date	Brief Goods/Services	Owner Information	Notes
			Business process management, namely, managing processes for the analysis and the implementation of strategy plans and management projects; and business...		
Canada Q14 ca 18	AUTODESK FORMA	Canada Filed Pending Application Last Status Received: Pending Application, February 17, 2022 Office Status: Formalized	Int'l Class: 09, 42 (Int'l Class: 09) Goods: Downloadable computer software for use in the fields of architecture, engineering, construction and operations featuring, providing and enabling integrated... (Int'l Class: 42) Services: Software as a service (SaaS) featuring cloud-based integrated workflows and workflow environments, data and technology services between computer software...	Autodesk, Inc. 111 McInnis Parkway San Rafael CA 94903, United States of America	
Canada Q14 ca 1	UNITY FORMA	Canada Filed Pending Application Last Status Received: Pending Application, December 19, 2020 Office Status: Formalized	Int'l Class: 09 (Int'l Class: 09) Goods: Downloadable computer software featuring a real-time 3D product configurator for designing and configuring vehicles; Downloadable software plugins for importing and exporting computer assisted design (CAD) models and engineering data; Downloadable computer software for input, output, display, and streaming of...	Unity IPR ApS Niels Hemmingsens Gade 24 1153 Copenhagen K, Denmark	

EXHIBIT B

Commissions gone wrong? We made the perfect guide for you [DOWNLOAD IT HERE](#)

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3:40 PM
4/29/2022